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MUTUAL AGREEMENT PROGRAMMING
(CONTRACT PAROLE)

A Report Prepared for the Criminal Justice and
Corrections Advisory Council

STATE DOCUMENTS COLLECTION

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Definition. Mutual agreement programming (MAP), also known as contract parole, is an alternative process used to parole inmates. MAP provides for the use of a legally binding contract involving an inmate, the paroling authority, and prison officials. As party to the contract, the inmate, in preparation for parole release, agrees to accomplish certain objectives in the areas of training, education, institutional behavior, treatment, and work assignment. The paroling authority agrees to parole the inmate on a definite date if he/she meets the objectives outlined in the contract. Prison officials agree to deliver the specific resources necessary for the inmate to accomplish his/her objectives. Currently, at least four states (Florida, Maryland, New Jersey, and Washington) use MAP.

MAP Process. An inmate may choose to participate in MAP or follow the standard parole process route. If the inmate chooses MAP participation, he/she, with a counselor's help, develops an initial proposal designed to prepare him/her for successful community adjustment following release on parole. This proposal defines the inmate's objectives concerning training, education, institutional behavior, treatment, and work assignment at the prison and suggests a parole release date.

After the initial proposal is completed, the inmate, paroling authority, and a prison representative meet

face-to-face to negotiate the terms of the MAP contract. During this negotiation, the inmate explains his/her plan, and the paroling authority and prison representative respond to the proposal. "Any differences are negotiated to the mutual satisfaction of all concerned, and if no agreement is reached, the inmate returns to the normal parole process without prejudice."¹ If an agreement is reached, each party signs a contract that defines in objective, measurable terms what the inmate must accomplish, requires the prison to provide the necessary programs and services to enable the inmate to accomplish his/her objectives, and obligates the paroling authority to parole the inmate on a specific date if he/she meets the terms of the contract.

Once the MAP agreement is signed, a MAP Coordinator monitors the inmate's progress toward accomplishing his/her objectives. "Monitoring the agreement is important to detect violations, to point up areas of potential problem, and finally to certify completion of the MAP agreement."² The agreement may be renegotiated because of "factors not known or not presented at the time of the original negotiation, violation of the contract agreement, at the request of the inmate, or due to the institution not being able to provide services as specified in the contract."³ In addition, the agreement

¹ Stephen D. Minnich, Manual: The Planned Implementation of Mutual Agreement Programming in a Correctional System (College Park, Md: American Correctional Association, 1976), 13.

² Ibid., 21.

³ Florida Department of Corrections, Mutual Participation Program (Tallahassee, Florida: Department of Corrections, 1982).

may be cancelled because of "failure on the part of the inmate to complete any items in the contract and/or new factors develop that are relevant and significantly affect the contract as written."⁴

Upon completion of the MAP agreement by the inmate, the MAP Coordinator notifies the paroling authority who then paroles the inmates.

Advantages. MAP advocates assert that contracting with an inmate for parole release:

- improves inmate behavior by explicitly defining behavioral requirements and the consequences of misbehavior;
- provides the inmate with a definite release date, which increases the motivation of the inmate, eliminates the psychological hardship of not knowing when release will be granted, and enables the inmate and his/her family to plan for reintegration into society;
- involves the inmate in developing his/her own treatment/rehabilitation program and helps the inmate to assume responsibility for his/her own actions;
- encourages closer cooperation and coordination between the paroling authority and prison officials;
- requires the paroling authority to use defined, objective performance criteria in deciding who to release, which leads to improved decision-making;
- gives the paroling authority input into an inmate's rehabilitation program while he/she

⁴ Ibid.

- is incarcerated;
- assists prison officials in planning, allocating, and coordinating program resources;
- permits parole officers to plan for the upcoming release of an inmate; and
- permits managers of parole supervision agencies to more accurately project future workloads.

Disadvantages. Critics argue that it is difficult to administer a contract parole program when prisons are overcrowded. Often insufficient resources are available to allow MAP participants to fulfill the terms of their contracts. Moreover, since the MAP agreement is a legal document binding the state to provide certain services, a legal issue is raised if the state is unable to deliver. Legal complexities surrounding contract parole were one reason why Arizona abandoned its mutual agreement program after several years of experience.⁵ In addition, implementing a contract parole program will require an increase in prison or parole board staff. At a minimum, a MAP Coordinator is needed to administer the program.

⁵ Oscar D. Shade, "The Demise of Wisconsin's Contract Parole Program," Federal Probation 45 (March 1981): 36.